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**TITLE 105 INDIANA DEPARTMENT OF TRANSPORTATION**

**Administrative Rules Oversight Committee Notice  
One Year Requirement ([IC 4-22-2-25](#))  
LSA Document #10-392**

February 17, 2011

Senator R. Michael Young, Chairperson  
Administrative Rules Oversight Committee  
c/o Legislative Services Agency  
Attn: Sarah Burkman  
200 West Washington Street, Suite 301  
Indianapolis, IN 46204-2789

Re: LSA Document #10-392, Wabash Memorial Toll Bridge Rule

Dear Senator Young:

On behalf of the Indiana Department of Transportation ("INDOT" or the "Department"), I am submitting this notice to the Administrative Rules Oversight Committee in compliance with [IC 4-22-2-25](#), because INDOT has determined that the promulgation of the captioned rule may not be completed within one year after publication of the Notice of Intent to Adopt a Rule (June 16, 2010).

The Department published its Notice of Intent to Adopt a Rule for the captioned document on June 16, 2010 (DIN: [20100616-IR-105100392NIA](#)). This rule amends 105 IAC to adopt rules permitting INDOT to collect tolls on the Wabash Memorial Toll Bridge in Posey County, Indiana, and setting the toll schedule and procedures regarding the administration and collection of tolls. Tolls are currently collected on the Wabash Memorial Toll Bridge pursuant to [IC 8-16-1-26](#), [IC 8-16-1](#), and [135 IAC 3-2-2](#). The Wabash Memorial Toll Bridge will be transferred from the Indiana Finance Authority to INDOT under the procedures provided in [IC 8-15](#) upon promulgation of this rule.

During development of supporting documents for the rule and after publishing the Notice of Intent to Adopt a Rule, INDOT found that some additional information was needed to complete the economic and fiscal impact analyses for the rule. It took INDOT longer than anticipated to gather all needed information and to complete its analyses.

The Department must complete several steps before the rule can be promulgated. The rule and all necessary documents have been submitted to the State Budget Agency and approval is pending. Once approval of the State Budget Agency is received, INDOT must publish the Proposed Rule and Notice of Public Hearing, conduct the public hearing, respond to any comments, and publish the Final Rule. INDOT hopes to receive approval from the State Budget Agency and schedule a public hearing within the next several weeks. INDOT expects that the rule will be completed and approved or deemed approved by the Governor no later than December 31, 2011.

This notice is being submitted timely in accordance with [IC 4-22-2-25](#), as February 21, 2011, is the two hundred fiftieth day after the publication of the Notice of Intent to Adopt a Rule.

Thank you for your consideration of this matter.

Sincerely,

Jennifer L. Jansen  
Attorney  
Indiana Department of Transportation

CC: Steve Barnes, Indiana Register, Legislative Services Agency  
Mark G. Ahearn, INDOT Chief Legal Counsel and Deputy Commissioner  
Russell A. Fowler, INDOT Vincennes District Deputy Commissioner

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